



RECEIPT
AFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

LALIT K. AGGARWAL

U.S. Appln. No. 09/701,195

Filed: November 27, 2000

For: METHOD AND ASSOCIATED
APPARATUS FOR THE STANDARDIZED
GRADING OF GEMSTONES

:
: **Docket No. 1005-AGGUS3**
:
: **Office of Initial**
: **Patent Examination**
:
: **Confirmation No. 7762**

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this Correspondence is being deposited on **October 29, 2004** with the United States Postal Service as first-class mail in an envelope properly addressed to COMMISSIONER FOR PATENTS, Alexandria, VA 22313-1450.

October 29, 2004
Date of Certificate

Frances L. McMenamin
Frances L. McMenamin

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

In the Notice of Allowability mailed on September 27, 2004, the Examiner indicated that the present application does not claim benefit of any application other than Provisional Application No. 60/068,033 which was filed December 18, 1997.

The present application is the U.S. national phase of International Application No. PCT/US99/11500 which was filed on May 25, 1999. The international application designates the United States and indicates that it is a continuation of U.S. Application No. 09/085,797 filed on May 28, 1998. A copy of the first page of the published international application is enclosed herewith. The relationship of the international

Application No. 09/701,195
Docket No. 1005-AGGUS3

Examiner R.M. PUNNOOSE
Art Unit 2877

application to the prior U.S. application is clearly stated on the front page of the published international application.

The U.S. national phase of the international application was entered by submitting the basic national fee and the inventor's declaration on November 27, 2000. In accordance with 37 CFR 1.63(d), the Applicant submitted a copy of the declaration from the parent application. Indeed, the transmittal page indicates that the declaration is a photocopy of the declaration from the parent application, Application No. 09/085,797. At the same time the Applicant submitted a Preliminary Amendment to amend the specification to include a specific reference to the earlier filed U.S. nonprovisional application as required by 35 USC 120. Copies of the declaration, the transmittal page, and the preliminary amendment are enclosed herewith.

Although, the Official Filing Receipt mailed on January 12, 2001 states that this application is a 371 of PCT/US99/11500, it incorrectly states that the international application claims the benefit of Provisional Application No. 60/068,033. The error apparently occurred because the Applicant submitted a copy of the declaration used in the parent application, Application No. 09/085,797, as permitted by 37 CFR 1.63(d).

In view of the foregoing, it should be clear that this application is a continuation of USAN 09/085,797 filed on May 28, 1998. The records of the Patent and Trademark Office should be changed to reflect the correct status of the application and its relationship to the parent application. Applicant hereby requests that a new Filing

Application No. 09/701,195
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Examiner R.M. PUNNOOSE
Art Unit 2877

Receipt be issued showing the corrected information relating to the domestic priority claim. A copy of the original filing receipt with the corrections noted thereon is enclosed.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation
Attorney for Applicant(s)

Dated: October 29, 2004

By Vincent T. Pace
VINCENT T. PACE
PTO Registration No. 31,049

Tel.: 215-563-4100
Fax: 215-5563-4044
e-mail: vpac@ddhs.com

Enclosures: Copy of first page of published international application;
Copies of declaration, transmittal and preliminary amendment;
Copy of original filing receipt with corrections noted thereon.

PCTWORLD INTELLECTUAL PROPERTY ORGANIZATION
International Bureau

INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification 6 :

G01N 21/00, 21/48

A1

(11) International Publication Number:

WO 99/61890

(43) International Publication Date:

2 December 1999 (02.12.99)

(21) International Application Number: PCT/US99/11500

(22) International Filing Date: 25 May 1999 (25.05.99)

(30) Priority Data:

09/085,797

28 May 1998 (28.05.98)

US

(63) Related by Continuation (CON) or Continuation-in-Part (CIP) to Earlier Application

US

Filed on

09/085,797 (CON)

28 May 1998 (28.05.98)

(71)(72) Applicant and Inventor: AGGARWAL, Lalit, K.
[US/US]; 5869 Overbrook Avenue, Philadelphia, PA 19131 (US).

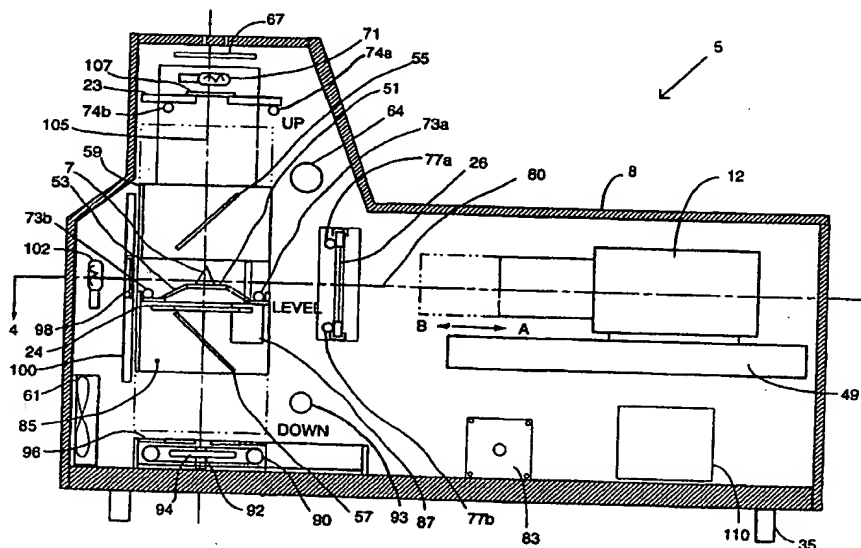
(74) Agents: PACE, Vincent, T. et al.; Dann, Dorfman, Herrell and Skillman, P.C., Suite 720, 1601 Market Street, Philadelphia, PA 19103-2307 (US).

(81) Designated States: BR, CA, IL, IN, JP, US, ZA, European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE).

Published

With international search report.

(54) Title: METHOD AND ASSOCIATED APPARATUS FOR THE STANDARDIZED GRADING OF GEMSTONES



(57) Abstract

A method and associated apparatus (5) for the standardized grading of gemstones is provided. The system gauges the spectral response of a gemstone subject to a plurality of incident light sources (77, 64, 90, 92, 102) within an imaging apparatus. The operation of the imaging apparatus is controlled by an instruction set of a local station control data processor (12). Light energy data is captured in the form of pixel data sets via a charge coupled device of the imaging apparatus of the local station (8). The control data processor data of the local station is operably linked to analysis station (14). Gemstones qualities are analyzed by the plurality of light sources (92, 90, 102) of the imaging apparatus (5) and quantified relative to model pixel data sets of the database and recorded for future reference therein.

EL182471721US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER OF PATENTS
AND TRADEMARKS

Washington, DC 20231

BOX PCT

Date of Mailing
November 27, 2000

Express Mail Label No.
EL182471721US

Applicant's or Agent's File Reference
1005-AGGUS3

IDENTIFICATION OF THE INTERNATIONAL APPLICATION

Int'l Appln. No.
PCT/US99/11500

Int'l. Filing Date
25 May 1999

Applicant (name)
AGGARWAL, Lalit K.

**TRANSMITTAL OF LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Attention: PCT International Division

We are enclosing the following for the above-identified international application:

- 1) Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO-1390);
- 2) Oath or Declaration of the inventor (photocopy from U.S. Appln. No. 09/085,797;
- 3) FIRST preliminary amendment;
- 4) Photocopy of Assignment document in favor of Imagestatistics, Inc., including photocopy of Recordation Cover Sheet from U.S. Appln. No. 09/085,797; and
- 5) Total Fees: check in the amount of \$50.00.

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

1005-AGGUS3

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.
PCT/US99/11500INTERNATIONAL FILING DATE
(25.05.99)
25 May 1999PRIORITY DATE CLAIMED
(28.05.98)
28 May 1998**TITLE OF INVENTION****METHOD AND ASSOCIATED APPARATUS FOR THE STANDARDIZED GRADING OF GEMSTONES****APPLICANT(S) FOR DO/EO/US**

AGGARWAL, Lalit K.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendemnts has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
 - Transmittal of Letter to the United States Designated/Elected Office (DO/EO/US) by Express Mail;
 - Photocopy of Assignment document in favor of Imagestatistics, Inc., including photocopy of Recordation Cover Sheet from U.S. Application No. 09/085,797;
 - Assignee is entitled to Small Entity Status;
 - Total Fees: check in the amount of \$ 50.00; and
 - Post card receipt.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US99/11500		ATTORNEY'S DOCKET NUMBER 1005-AGGUS3	
17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) : Search Report has been prepared by the EPO or JPO International preliminary examination fee paid to USPTO (37 CFR 1.482) No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)				CALCULATIONS PTO USE ONLY <div style="text-align: right; margin-right: 20px;">50.00</div>	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$ 50.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x9.00	\$ 0.00	
Independent claims	- 3 =		x40.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+	\$
TOTAL OF ABOVE CALCULATIONS =				\$ 50.00	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	
SUBTOTAL =				\$ 50.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$ 50.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$ 50.00	
				Amount to be: refunded	\$
				charged	\$
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>50.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>04-1406</u>. A duplicate copy of this sheet is enclosed.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p>SEND ALL CORRESPONDENCE TO: CUSTOMER NO. 000110 OR DANN DORFMAN HERRELL AND SKILLMAN 1601 Market Street, Suite 720 Philadelphia, PA 19103-2307</p> </div> <div style="width: 45%; text-align: center;"> <p></p> <p>SIGNATURE: VINCENT T. PACE</p> <p>NAME</p> <p><u>31,049</u></p> <p>REGISTRATION NUMBER</p> </div> </div>					

DECLARATION, POWER OF ATTORNEY AND POWER TO INSPECT

As a below named inventor, I hereby declare:

that my residence, post office address and citizenship are as stated below next to my name;

that I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the invention entitled: METHOD AND ASSOCIATED APPARATUS FOR THE STANDARDIZED GRADING OF GENSTONES

the specification of which [check one(s) applicable]

___ was filed ___ as US/International Application No. ___

___ and was amended by Amendment filed ___ (if applicable); [or];

☒ is attached to this Declaration, Power of Attorney and Power to Inspect;

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and

that I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Rule 56(a) [37CFR§1.56(a)].

CLAIM UNDER 35 USC §119(e): I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below:

Provisional U.S. Application(s)

Filing Date(s)

60/068,033

18 December 1997

POWER OF ATTORNEY: As inventor, I hereby appoint the practitioners associated with CUSTOMER NO. 000110 as my attorneys or agents with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

POWER TO INSPECT: I hereby give DANN, DORFMAN, HERRELL AND SKILLMAN, P.C. of Philadelphia, PA or its duly accredited representatives power to inspect and obtain copies of the papers on file relating to this application.

SEND CORRESPONDENCE TO: CUSTOMER NO. 000110

DIRECT INQUIRIES TO: Scott McKeown, Reg. P-42,866
Henry H. Skillman, Reg. 17,352

Telephone: (215) 563-4100

Facsimile: (215) 563-4044

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SOLE OR FIRST JOINT INVENTOR

Full Name Lalit K. Aggarwal
First Middle Last

Signature Lalit K. Aggarwal

Date 5/28/98

Residence Philadelphia, Pennsylvania
City State or Country

Citizenship US

Post Office Address:

5869 Overbrook Avenue

Philadelphia, PA 19131

City State or Country Zip Code

SECOND JOINT INVENTOR (IF ANY)

Full Name _____
First Middle Last

Signature _____

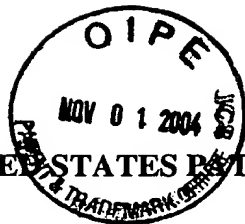
Date _____

Residence _____
City State or Country

Citizenship _____

Post Office Address:

City State or Country Zip Code



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of : (Docket 1005-AGGUS3)
AGGARWAL, Lalit K. :
International Appln. No. PCT/US99/11500 :
International Filing Date 25 May 1999 :
For: METHOD AND ASSOCIATED :
APPARATUS FOR THE :
STANDARDIZED GRADING OF :
GEMSTONES :

PRELIMINARY AMENDMENT

As a preliminary matter, please amend the above-identified application as follows:

In the Specification:

Page 1: insert the following paragraph starting at line 1:

-- This application is a continuation of U.S. Application No. 09/085,797, filed May 28, 1999, now U.S. Patent No. 6,020,954. --

In the Claims:

Cancel Claims 2-29.

REMARKS

This application is the U.S. national phase of international patent application No. PCT/US99/11500, filed on May 25, 1999. The international application claims priority from U.S. Application No. 09/085,797, filed May 28, 1998, which claims priority from U.S. Provisional Application No. 60/068,033, filed December 18, 1997. The foregoing amendment to the specification is necessary to meet the requirements of 35 U.S.C. §119(e). No new matter is added to the application by the amendment because the claim for priority based on the U.S. application was clearly set forth in the Request for the international application. Therefore, the amendment is purely administrative.

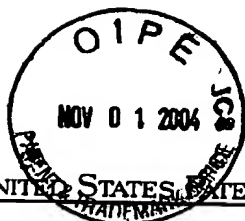
It is respectfully requested that the above amendment be entered prior to the first official action on this application.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation
Attorneys for Applicant(a)

By Vincent T. Pace
VINCENT T. PACE
PTO Registration No. 31,049

Tel.: 215-563-4100
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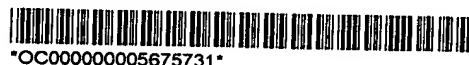
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/701,195	11/27/2000	2877	50	1005- AGGUS3	12	1	1

000110
DANN DORFMAN HERRELL & SKILLMAN
SUITE 720
1601 MARKET STREET
PHILADELPHIA, PA 19103-2307

FILING RECEIPT



OC000000005675731

Date Mailed: 01/12/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Lalit K. Aggarwal, Philadelphia, PA ;

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A 371 OF PCT/US99/11500 05/25/1999

~~WHICH CLAIMS BENEFIT OF 60/068,033 12/18/1997~~

Con. of 09/085,797 05/28/1998

Foreign Applications

If Required, Foreign Filing License Granted 01/12/2001

** SMALL ENTITY **

Title

Method and associated apparatus for the standardized grading of gemstones

Preliminary Class

536

Data entry by : ORDENEZ, MARTA

Team : OIPE

Date: 01/12/2001

